

Governor's Disabilities Advisory Council
April 6, 2006 Minutes
2401 Colonial Drive
3rd Floor Conference Room
Helena, MT 59601

Attendees: Dustin Hankinson, Bryher Herak – Chair, Mike Mayer – Vice Chair (on the phone), Joan Miles, William Neisess, Brian Roat, Patti Scruggs

Absent: Belden Billy, Connie Bremner, Julia Hammerquist, Susie McIntyre

Guests: Andrew Hudson, Andree Larose, Steve Heaverlo, Bernie Franks-Ongoy, Lynn Long, Deborah Swingley, Joe Matthews, Anna Whiting-Sorrell

Staff: Marlene Disburg, Serenity Osborn

Meeting began at 10:25 AM

Approval of Minutes:

Bryher Herak – Chair:

Joan's name needs to be moved from the members present section to the guest section. Council was unable to approve minutes due to no forum.

Welcome:

Anna Whiting-Sorrell – Governor's Policy Advisor:

Anna noted that the Executive Planning Process (EPP) is another opportunity to support current efforts by the Governor for people with disabilities. The Governor's Office is looking for ways issues and groups can work together in a more 'bundled' and streamlined way to provide specific outcomes and partnerships from department to department, in lieu of fragmented or confusing delivery of services. Anna has had the opportunity to meet with hundreds of Montanans from varying backgrounds and opinions, since January of 2005. These meetings help bring a clear picture and voice from a variety of groups. Anna continues to bring the perspective of persons with disabilities to discussions and decisions through the Governor's Office.

Joan Miles – DPHHS Director:

Joan welcomed the Council. She noted over the last six months she has enjoyed working with the Department and groups such as the Governor's Disabilities Advisory Council on issues affecting persons with disabilities and others over the past six months. Joan stated that she appreciates the work of the council and believes that the Council has some wonderful opportunities to work on some important and worthwhile initiatives.

Joan spoke on the Disability Services Division/Developmental Disabilities Program high risk housing issue. She stated that she was sorry that this issue is causing some

anxiety. Joan stressed the urgency, if not a crisis situation, of the MDC high risk housing issue, and noted that the issue really needs to be resolved.

Points of Discussion:

This discussion has been going on since the 2005 Legislature approved building a facility. Due diligence has been done.

Not moving forward on the decision leaves the clients, staff and others on the campus in danger.

Delay will cause over a year's loss to completion of any project due to building season in Montana.

Use of general funds would be required regardless of project placement.

Building a safe and secure unit can be considered in conjunction with enhancements to existing structures.

There is real commitment to really work together and do strategic planning over service delivery issues complying and honoring the Olmstead decision.

The DPHHS agrees with a lot of what is in the Dissenting report from MAP and MCDD in terms of the ideals and outcomes.

Input and active interest from the advocacy programs and GDAC are encouraged.

Joan recommended the Council hold the next GDAC meeting at MDC so the Council can get a clear picture of conditions at MDC.

Joe Matthews – DSD Administrator:

Joe provided the Council program background on DSD. He stated that the issue regarding MDC has a long history, including working to moving people with disabilities out into the community. Joe noted that DSD has worked hard to support community integration before the Travis D lawsuit and continues to work toward integration where appropriate.

Joe gave an overview of how the high risk housing issue at MDC started. Points of discussion include:

Unit 104R was a make shift solution to the issue of people with behavioral problems.

Retrofitting current buildings would be more costly than construction of new facilities.

In the fall of 2005 a workgroup of about 10 people was put together to support our goals and look at how to create a safe environment that supports those at MDC.

There is a crisis at MDC - an accident waiting to happen.

The Olmstead decision provides for community placement when appropriate.

Providers need to have capacity and resources to serve high risk clients in community settings. Some providers are reluctant.

Unit 104 was designated to provide a place for clients a danger to themselves or others to be placed for a designated period of time.

The Board of Visitors serves as a consumer-driven 'oversight' organization and has officially supported the Department's decision for project construction.

Joe recommends the Council consider a presentation by Gene Hair, Board of Visitors, for a future meeting.

Housing for Individuals with High Risk Behavior – MDC: Deborah Swingley – MCDD:
Deborah gave a basic overview of the MCDD. She stated that the council feels strongly that they are aware of the “pulse” of feelings in the developmental disabilities community across Montana. She stated that the council made it clear in all of the core group meetings that it felt whatever housing was going to be developed should be community based and not on the MDC campus. The MCDD is on record with their recommendations through the Dissenting Report submitted to the Governor’s Office.

Deborah request that the council examine what has happened surrounding this issue and what is being planned for the future. She ask that the council request that the process be paused and allow the council to take a strong look at the issue and share their thoughts and concerns as they may exist in light of the Olmstead decision.

Deborah stated that MCDD has received a letter from DPHHS Director Joan Miles that gives the go ahead for the project to be developed and built on the boulder campus. She noted that an Architectural RFP announcement has been made. She asks that the council advise the Governor to allow the council to do its appointed charge under the Executive Order. She asks that the council look at what they want the cornerstone to be and advise the Governor accordingly. (Attach presentation)

Bernie Franks-Ongoy – MT Advocacy Program:

Bernie stated that MAP and MCDD issued a dissenting report to the DSD high risk housing proposal. MAP and MCDD have asked that the process be paused, and that more information be gathered. Bernie believes that once due diligence is done it will be determined that there is a community alternative for high risk individuals that could work for Montana. Bernie asked the GDAC to join MAP and MCDD in the request to pause the process and get more information.

Bernie provided and went over a document entitled Montana Developmental Center Quick Facts (attached) and a brief overview of history on HB 5. She stated the workgroup was created when the developmental disabilities community learned about the 2.5 million dollars in HB 5. The disability community learned about the HB 5 language on a Friday and on the Monday afterwards the hearing happened for HB 5. An agreement between the disability community, the Governor’s Office, and the department to replace the words “Secure Housing” with “Housing for High Risk Behaviors” and to remove the designation of “Boulder” in HB 5 was made.

Bernie noted that during the debate on HB 5, MAP and the Department also agreed to research alternatives and work together.

Points of Discussion:

Data presented by MAP and provided to the council was generated by the department.

Question what is happening in the cottages to generate a need for a secure segregated unit.

Unit 104 was intended to serve as a temporary solution in conjunction with reviewing cottage concerns and solutions.

Special rules were passed to create Unit 104 as an ICFDD (non Medicaid certified) vs an ICFMR (Medicaid certified).

The issue relates to implementation of Olmstead and the Americans with Disabilities Act – community alternatives.

Information requested by MAP from the Department was not provided in a timely manner to the workgroup or prior to a decision to move forward.

Request for six more months to work on potential solutions

Request Joe Mathews should be at the table in terms of helping to move this process along.

The Council was advised that Joan Miles, Director of DPHHS, the Governor's Office and Janet Kelly, Director of Department of Administration made the decision to move forward on construction of a facility at MDC after conference with the designated workgroup. The original workgroup consisted of MAP, MCDD, DSD, DPHHS, DOA, and the Governor's Office. The question of involvement of persons with disabilities in this process was asked (Dustin Hankinson.)

Anna stressed to the Council that the new facility is not only to address pressing issues but to also service as part of a continuum of care to help people get well enough to go back out into communities.

Department of Administration:

Lynn Long – Human Resources Standards & Services Bureau Chief:

In past years the Governor's Council on Disabilities was staffed by the Department of Administration, Personnel Division. The decision was made by the Governor's Office to have the Council staffed by the Department of Public Health & Human Services and expand the Executive Order to outside of ADA Title II concerns. The Department of Administration continues to address ADA issues and all State agencies must have an ADA coordinator. Linda Davis coordinates ADA activities for the Department of Administration and assists other state agency ADA coordinators.

Web cast training from the jobs accommodation network has been recently disseminated to all ADA coordinators encouraging participation in these training sessions. DOA plans to provide training for ADA coordinators and agencies in the summer.

Lynn stated that each agency does a self-evaluation for programs and physical access. DOA plans to review the self-evaluation plan and process and consider modifications. Lynn encouraged Council members to attend upcoming training opportunities.

Medicaid Infrastructure Grant:

Barbara Kriskovich – OPCA – MIG Project Director:

Barb provided a history of her related work experience and the Medicaid Infrastructure Grant. Barb noted the goal of the grant is to support people with disabilities in securing and sustaining competitive employment in an integrated setting. She went over what the grant will do to achieve the goal.

Points of Discussion:

The GDAC would serve as the coalition required under the grant project.

The coalition would be expected to hold six meetings per year.

Other agencies/representation will be included to reflect the purposes of the grant; including the business and disability communities, labor and advocacy groups.

The GDAC would be budgeted approximately \$30,000 for meetings costs, etc.

The Grant has been awarded for one year with the expectation for extensions, possible to 2014.

Leadership council being created that would include a broad range of people, including businesses. Request that MIG subcommittee meetings be separate from the GDAC meetings. The new council would try to create some kind of blue print for a buy-in.

A motion for a subcommittee of the Council to be formed and serve as part of the MIG coalition was made. Root/Hankinson. Motion passed with no opposition.

Brian, Dustin, and Patti volunteered to serve as members of the Coalition.

Council Business:

Bryher reviewed points under the Governor's Executive Order points and themes to consider future activities suggested by the Council. (attached PowerPoint)

Discussion Points:

Funding for sustaining the present level of services in the provider network.

Potential for parity funding so for community-based services in comparison to state-based services.

Eastern Montana representation from the eastern part of the state.

Request a picture of community provider services - map of, size of organization, level of service provided, etc.

An email has been sent to the Governor's Office and a response received on the vacant slot for eastern Montana. Patti Keebler asked that the Council be notified "that the Governor will be naming a replacement for Kathi Bach in the near future."

The Council will consider inviting AMDD to present on co-occurring and/or dual-diagnosed cases; and, Health Resources Division present on Severe Emotional Disorder Youth Waivers.

Housing for Individuals with High Risk Behavior – Council Discussion:

Bryher summarized the discussion on Housing for high risk behaviors from her perspective and offered what she believes is being asked of the Council by presenters.

Discussion Points:

Building a facility on the MDC-Boulder campus does not contradict Olmstead goals. The facility will provide a continuum of care for individuals with high risk behaviors. The Boulder facility provides access to resources potentially not available in another location.

Unit 104 and a new facility would serve as a place of 'respite' and individuals currently move in and out of Unit 104; this practice would be very similar under a new facility.

Failure to communicate with the Council and others has compromised credibility of participating parties. How or were persons with disabilities involved?

Locating a facility(ies) in other locations, outside of Boulder – good and bad.

Options of looking at other alternatives – how are other states currently serving individuals with high risk behaviors and has the State investigated options?

The issue of an existing 'crisis,' the time since the issue has been discussed and how a short delay may or may not impact the situation – pros and cons.

The poor shape of Unit 104 and the need to do something soon for those residing at the current facility.

Dustin Hankinson proposed moving ten people deemed 'ready' for community placement out, remodel the cottage that would be emptied, and tear down Unit 104.

Motion: GDAC write a letter and request a meeting with Governor Schweitzer, not staff, to express concerns about the proposed building; indicating moving at least 10 from the cottages, retrofitting the cottage is a better solution; and the Council wants progress stopped. Hankinson/Roat – Roat noted he would second the motion for the sake of discussion. Tie vote – Motion failed.

Points of Discussion – as result of Motion:

The council members need more information. Low attendance is a concern.

Council consensus is important prior to approaching or discussing with Governor's Office. The Council needs to be united on this issue.

Beneficial to see Unit 104 – get a picture of what is going on.

Cost of cottage remodel may be more expensive and would not resolve issue – many of the same problems would exist because other options (such as what new facility would offer) still would not be available.

Concerns for waiting another six months with current 'crisis' situation.

How new facility fits into a continuum of care for referrals and court ordered placements.

The facility does not serve as 'additional beds'; but a better facility for those already in the system.

Other options for continuum of service/care issue question. Look at other states.

Olmstead compliance concerns – legal concerns. Does building the facility conflict with Olmstead decision or the desire to support community placements?

Why are residents going into Unit 104 – are other facility environments the reason – need for quiet environment.

Motion that the council notify the Governor that the Council was left out of the process and request that the decision to proceed be delayed until the council has more information and the entire Council is satisfactory advised. Roat/Hankinson Motion was passed with 4 yes and 2 no. Motion passed.

The council decided to have another meeting via teleconference for more discussion in approximately one month. Meeting was tentatively set up for April 27th around 1:00.

Other Business:

A Legislative Issue subcommittee be formed. Hankinson and Roat volunteered.

Develop Council bylaws.

Next two quarterly meeting was set tentatively on July 27th and October 19th.

Next Council meeting to be held at Montana Developmental Center.
Meeting adjourned at 3:35 PM

Attachments:

Deborah Swingley's Presentation

MDC Quick Facts

Use Data RE: MDC's 104 – ICFDD

Time-line of significant events related to the decision to build high risk housing under HB 5

Dissenting Report

Dissenting Report Response

State Personnel training calendar and information sheet

GDAC summary of 2004 report to Montana's Governor

Power Point Presentation Slides.